

REMARKS

The above-mentioned Final Office Letter and the Advisory Action dated January 21, 2004 have been carefully considered.

Claims 1-18, 24 and 32 have been cancelled.

Independent Claims 19 and 26 and dependent Claims 20-23, 25, 27-31 and 33-46 are now present in this application.

We wish to thank the Examiner Karl E. Group for his help in the prosecution of this application. It is noted, that during the telephone interview of the Examiner on January 14, 2004 the scope of the Declaration of one of the inventors was considered, where it was determined that this Declaration did not discuss the teachings of the Fitch, et al. patent, and therefore a new Declaration should be submitted.

It is further noted, that our First Amendment After Final Rejection of December 12, 2003 was not entered for the reasons set forth in the Examiner's Advisory Action.

By this Amendment, the paragraphs added to page 3 and page 5 in our previous Amendment, have been cancelled as required by the Examiner.

Furthermore, it is noted that Claim 35 has been amended as suggested by the Examiner.

Additionally, it is appreciated that the Examiner has

withdrawn his rejection of the claims under 35 U.S.C. 112 in view of the arguments made in our previous Amendment. However, in the Advisory Action the Examiner indicated that the claims have changes that have not been noted and that these changes also introduce errors into the claims such as Claims 22-29 and Claim 40. Inasmuch as these claims are very similar to claims that were originally filed, we do not understand the Examiner's objection thereto. We tried to contact the Examiner to discuss same but we were unsuccessful. Therefore, after the Examiner reviews the changes we made to these claims it would be appreciated if the Examiner could contact us if further correction is required.

It is noted, that the Examiner again maintained his rejection of Claims 19-23, 25-31 and 33-46 under 35 U.S.C. 102(b) as being anticipated by Fitch, et al., and/or rejected under U.S.C. 103(a) as being obvious over Fitch et al. for the reasons of record.

In view of the Examiner's statement that the "experimental data set forth in the arguments is not persuasive in overcoming the rejection because it is not in declaration or affidavit form", the applicants submit herewith a Declaration by Dr. HANS-JURGEN KLISCHAT, one of the inventors/applicants of the above U. S. patent application.

Accordingly, it would be appreciated if the Examiner would review this Declaration and the arguments in our previous Amendment, and if not proper to meet the Examiner's requirements to overcome the instant rejections, it would be appreciated if

the Examiner would point out the deficiencies therein so that a proper Amendment thereof can be made to satisfy the Examiner. It is believed that a proper Declaration can be filed to satisfy the Examiner's requirements in order to overcome the rejection for allowance of the claims now present in this application.

Please note, if necessary, it would be appreciated if we could have a telephone interview with the Examiner. Once again, we wish to thank the Examiner for his cooperation.

The applicants believe that the new Declaration enclosed herewith is a proper submission to overcome the instant rejections of the claims now present in this application, so that the claims now present in this application are believed to be patentable over the prior art.

The applicants now respectfully submit that they have overcome each and every ground of objection and rejection set forth in the Patent Office Action, placing this application in condition for a favorable action.

Reconsideration of the claims is earnestly solicited, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,

ATTORNEY FOR APPLICANTS

By


PERRY TEITELBAUM

Registration No. 25,095
(718) 643-0400

Dated: Brooklyn, New York
March 29, 2004